REMARKS

Claims 5-17, 23, 24, and 26 are pending. Claims 1-4 and 27 are cancelled. Claims 18-22 and 25 are withdrawn. Claim 5 is currently amended to delete subject matter inadvertently inserted into part (a) (iii) in the previous response of July 26, 2010. The claim is also amended to add language to clarify that the claimed antibody comprises 3 CDRs from the heavy chain (CDRHs) and three CDRs from the light chain (CDRLs). The word "region" was deleted from the term "CDR region" for clarity purposes. Claims 11, 13, 15 and 26 are also amended to include the CDRH and CDRL terms as well as to delete the term region and/or variable region. No new matter is added by these amendments.

Claims 5-17, 23 and 24 stand rejected for lack of enablement. The Examiner states that antibodies require 6 CDRs to form a functional antigen binding site. Applicant has currently corrected the inadvertent insertion of CDR language in the previous response dated July 26, 2010. As currently pending, all claims require 6 CDRs and claim 5 has been further clarified to stipulate that 3 of the CDRS are from the heavy chain and the other 3 CDRs are from the light chain. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Claims 5-16 and 26 stand rejected as anticipated by Shelton (WO 2004/058190, the '190 application) under 35 USC 102(e). The Examiner states that the proper 35 USC § 102(e) date for this reference is December 23, 2002, which would be based upon the US provisional priority application (USSN 60/436,147, the '147 priority application), which was filed on that date.

Applicants traverse this rejection given that the disclosure of the '147 priority application does not disclose, and therefore does not anticipate, the A5 antibody sequence claims of the present invention. The '147 priority application discloses the 2256 mouse antibody which was used to make the humanized A5 antibody. Each of the CDRs in the A5 antibody has been modified as compared to the mouse lead 2256. The sequences of these antibodies are shown in Figure

1 (A5) and Figure 2 (2256) of the present case, and demonstrate the changes in the CDRs.

Claim 5, its dependent claims 6-16, and claim 26 are not anticipated by the '190 application because the '147 priority application for the '190 application does not disclose the humanized A5 antibody, or its sequences, and because the sequence of the 2256 antibody is not included within the scope of the present claims. Claim 5 and 26 exclude the 2256 antibody, because claim 5 and 26 specifically recite that the claimed antibody does not have the 2256 CDR sequences of SEQ ID NOs: 22-27. Claims 11- 16, which recite the specific CDRs, variable regions, and full length heavy and light chains for A5, are not anticipated by the '147 application, because each of these A5 sequences is different from the counterpart 2256 sequence.

Given that the '147 priority application fails to disclose the sequences of the A5 antibody, the effective priority date of the '190 application with respect to A5 sequences is the filing date of the '190 application itself, which is December 23, 2003. Given that 35 USC §102(e) requires that the effective priority date of patent document cited as the basis for the rejection be "before the invention by the applicant", the '190 application does not qualify as prior art under this section with respect to claims to the A5 sequences, because the effective priority date for the '190 application is the same date as the effective priority date for the A5 sequences of the present application, December 23, 2003. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 5-16, and 26 stand rejected under 35 USC §102(e) as anticipated by Shelton (US 2007/0014786, the '786 application). The Examiner states that the reference teaches sequences identical to the presently claimed sequences and that the proper §102(e) date is March 20, 2003, which would be based upon the filing of the provisional priority application USSN 60/456,648 (the '648 priority application).

Applicants traverse this rejection. The '648 priority application does not disclose A5 sequences; it only discloses the 2256 antibody. As discussed above, the 2256 sequence claims are excluded from the scope of the pending

claims and therefore do not anticipate them. With respect to the A5 sequences disclosed in the cited '786 application, the effective date of this subject matter is the actual filing date of the '786 application, March 20, 2004. This date occurs after the effective priority date for the A5 sequences in the present application, which is December 23, 2003. Therefore, the ''786 application does not qualify as prior art with respect to anticipating claims to A5 sequences in the current application, and Applicants request reconsideration and withdrawal of this rejection.

Conclusion

Applicant believes all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicant invites the Examiner to contact the undersigned attorney.

No fees are believed due. However, if any fees are due in connection with this response, including the fee for any required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 161445.

Respectfully submitted,

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